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Attorneys for Defendants

Hon. Mustafa T. Kasubhai

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
EUGENE DIVISION

ROBERT BOWERS,

Plaintiff,

v.

PABLO AGUILAR; ONE WORLD DELIVERY CORP.,

Defendants.

Case No. 6:20-CV-01141-MK

DEFENDANTS' ANSWER AND AFFIRMATIVE DEFENSES TO PLAINTIFF'S FIRST AMENDED COMPLAINT

Motor Vehicle Accident, Diversity
Jurisdiction Pursuant to 28 U.S.C. §§ 1441 and 1446

DEMAND FOR JURY TRIAL

Defendants Pablo Aguilar and One World Delivery Corp., (collectively "Defendants")

Answer Plaintiff Robert Bowers' Complaint, through their counsel, and state as follows:

PARTIES, VENUE, AND JURISDICTION

1.

Paragraph 1 contains no allegations against defendants and require no response.

Alternatively, defendants lack knowledge or information sufficient to form a belief about its truth.

2.

Defendants admit paragraph 2.

3.

Defendants deny paragraph 3.

4.

As to paragraph 4, defendants deny that One World Delivery Corp. was registered with the Texas Secretary of State. Defendants admit the remainder of paragraph 4.

5.

As to paragraph 5, defendants admit that plaintiff and defendant were at the place alleged at the time their trucks made contact.

STATEMENT OF FACTS

6.

As to paragraph 6, defendants lack knowledge or information sufficient to form a belief about the allegations and therefore deny them.

7.

Defendants admit paragraph 7.

8.

As to paragraph 8, defendants admit that there was a collision between the vehicles, but defendants lack knowledge or information sufficient to form a belief about the truth of the remainder of paragraph 8 and therefore denies it.

9.

Defendants deny the allegations in paragraph 9.

10.

As to paragraph 10, defendants admit that defendant Aguilar has prior criminal convictions, but deny the remaining allegations in paragraph 10.

LIABILITY

11.

Defendants deny the allegations in paragraphs 11-13.

DAMAGES

12.

Defendants deny the allegations in paragraphs 14-17.

GENERAL DENIAL

13.

Defendants deny each and every allegation in plaintiff's complaints except as expressly admitted above.

FIRST AFFIRMATIVE DEFENSE

(Sudden Emergency)

14.

Defendant was faced with a sudden emergency which could not have been reasonably predicted, and which was the cause of the accident.

RESERVATION OF RIGHTS

Defendants expressly reserve the right to amend their Answer and assert additional or withdraw any of the above affirmative defenses as investigation and discovery continue.

PRAYER FOR RELIEF

WHEREFORE, having fully answered Plaintiff's Complaint, Defendants Pablo Aguilar and One World Delivery Corp., respectfully pray for judgment in their favor, their costs and disbursements, and other relief the court deems appropriate.

DATED: August 4, 2020.

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CERTIFICATE OF SERVICE

I hereby certify that on August 4, 2020, my office electronically filed the foregoing **DEFENDANTS' ANSWER AND AFFIRMATIVE DEFENSES TO PLAINTIFF'S COMPLAINT** with the Clerk of the Court using the CM/ECF system and served on the following attorneys by the method indicated below:

- mail with postage prepaid, deposited in the US mail at Portland, Oregon,
- courtesy copy also sent by email
- electronic filing notification (if applicable, ORCP 9 H and UTCR 21.100),
- hand delivery,
- overnight delivery,
- email (party has consented to service by e-mail, ORCP 9 C(3)),
- facsimile transmission (with confirmation attached, ORCP 9 C(2)),
- via CM/ECF.

I further certify that the copy was delivered as indicated above and addressed to the attorneys listed below:

Harlan Law Firm
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Attorneys for Plaintiff

Dated: August 4, 2020.

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